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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,992	01/30/2001	Joseph Siegrist	9506-004-27	8465

7590 04/04/2005  
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EXAMINER

SHEW, JOHN

ART UNIT PAPER NUMBER

2664

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/771,992

**Applicant(s)**

SIEGRIST ET AL.

**Examiner**

John L Shew

**Art Unit**

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The prior indicated allowability of claims 15-16 are withdrawn in view of the newly discovered reference(s) to Slattery. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frese II et al. (Patent number 5909545) in view of Slattery (Patent number 5848146).

Claim 14, Frese II teaches a method for configuring a remote computer over data packet network (Abstract lines 1-4) referenced by the remote controlling of an application program over a network, comprising the steps of downloading an applet to

an end user computer (Abstract lines 1-7, column 5 lines 15-24) referenced by the downloading of the Remote Display Module across the network to the user system, executing the applet at the end user computer (Abstract lines 1-7) referenced by the execution of the RDM on the user system. Frese does not teach a voice network call, nor causing an audible tone to adjust a media setting.

Slattery teaches a voice over network call (column 1 lines 14-25) referenced by a video teleconferencing inclusive of audio speech, causing an audible tone at a predetermined volume to be produced by a speaker (FIG. 1, FIG. 1C, FIG. 5B, column 10 lines 33-42) referenced by the testing the level of input ports Step 5-25 and testing the level of output ports Step 5-26 which requires an predetermined audio level to achieve the AntiVox Threshold level, connected to the end user computer (FIG. 1C, column 5 lines 46-58) referenced by the general purpose computer for installation and initial user programming, and adjust a media setting (FIG. 9, column 13 lines 30-44) referenced by the change in volume Step 9-1, in accordance with a time delay (FIG. 5B, column 17-53) referenced by the antivox delay timer which is a measure of time delay, between the audible tone and a sound corresponding to the audible tone detected by a microphone connected to the end user computer (FIG. 1, FIG. 1C, FIG. 5B, column 17-53) referenced by the audio level as measured from the speaker to the microphone for determination of the antivox threshold level.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the audio feedback conferencing system of Slattery to the

remote control network application of Frese II for the purpose of setting up and aligning audio levels for all participating locations of a conference.

Claim 21, Frese II teaches a method for configuring a remote computer over data packet network (Abstract lines 1-4) referenced by the remote controlling of an application program over a network, comprising the steps of downloading an applet to an end user computer (Abstract lines 1-7, column 5 lines 15-24) referenced by the downloading of the Remote Display Module across the network to the user system, executing the applet at the end user computer (Abstract lines 1-7) referenced by the execution of the RDM on the user system. Frese does not teach a voice network call, nor causing an audible tone to adjust a media setting.

Slattery teaches a voice over network call (column 1 lines 14-25) referenced by a video teleconferencing inclusive of audio speech, causing an audible tone at a predetermined volume to be produced by a speaker (FIG. 1, FIG. 1C, FIG. 5B, column 10 lines 33-42) referenced by the testing the level of input ports Step 5-25 and testing the level of output ports Step 5-26 which requires an predetermined audio level to achieve the AntiVox Threshold level, connected to the end user computer (FIG. 1C, column 5 lines 46-58) referenced by the general purpose computer for installation and initial user programming, and adjust a media setting (FIG. 9, column 13 lines 30-44) referenced by the change in volume Step 9-1, in accordance with an amplitude of sound corresponding to the audible tone detected by a microphone connected to the end user

computer (FIG. 1, FIG 1C, FIG. 9, column 13 lines 30-44) referenced by the change in volume Step 9-1 which reflects the sound amplitude.

2. Claims 17-20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frese II and Slattery as applied to claims 14, 21 above, and further in view of Kuo et al. (Patent number 5296643).

Claims 17-20, Frese II and Slattery teach a remote control method of adjusting media for audio conferencing. They do not teach media setting of echo suppression nor microphone volume.

Kuo teaches a media setting of echo suppression (FIG. 1) referenced by Echo Adjust 36, a media setting of echo cancellation (FIG. 4A) referenced by Echo/Reverb Vocal Enhancer 59, a media setting of microphone volume (FIG. 1) referenced by MIC IN 38 with adjustment 39, a media setting of speaker volume (FIG. 1) referenced by Volume Adjust 33.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the audio media controls of Kuo to the remote control network

audio conferencing of Frese II and Slattery for the purpose automatically altering key adjustments to match a singer's range.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

js

A handwritten signature in black ink, appearing to be "Will K.", with a long horizontal stroke extending to the right.